

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NEWTOWN ATHLETIC CLUB
(NEWTOWN RACQUETBALL
ASSOCIATES LLC, NEWTOWN
RACQUETBALL INC.)**

Plaintiff,

v.

**THE CINCINATTI INSURANCE
COMPANIES**

Defendant.

CIVIL ACTION NO. 21-2662

ORDER

AND NOW, this 23rd day of March 2022, upon consideration of Plaintiff's Motion to Remand [Doc. No. 6], Defendant's Motion to Dismiss for Failure to State a Claim [Doc. No. 5], the briefing of the parties, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. Plaintiff's Motion to Remand [Doc. No. 6] is **DENIED**;
2. Defendant's Motion to Dismiss for Failure to State a Claim [Doc. No. 5] is **GRANTED**;
3. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**; and
4. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.